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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

Plaintiff,

No. C 10-03561 WHA

v.

GOOGLE INC.,

Defendant.

**ORDER REGARDING PATENT
MARKING JOINT STATEMENT**

Counsel have filed a supplemental joint statement regarding the Oracle products that practiced the patents in suit. In this statement, they largely offer points on which they disagree. That is, while they came close to an agreement, they could not close the deal and agree on the use that the jury and Court could make of the proposed stipulations.

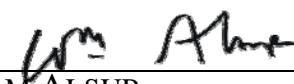
A stipulation requires full agreement. Until the parties reach a complete agreement on the evidentiary use of the stipulation, then it is not effective. Both sides are entitled to withhold their acceptance until they get a full loaf instead of half a loaf. No one will be held to any conditional stipulation for any purpose until it is fully agreed on as to its use by the Court and jury.

In the Court's view, the failure to reach this stipulation will require counsel to use their allotted time to cover what, in most cases, would be easily agreed upon by reasonable counsel. The conditional stipulations will have no binding effect on anyone.

The foregoing is not true with respect to the '702 patent and Java OS 1.1 products. This single unconditional stipulation is hereby binding on the parties.

IT IS SO ORDERED.

Dated: February 24, 2012.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE